

780 CMR 110.R2

CONCRETE TESTING PERSONNEL LICENSING

780 CMR 110.R2.1 ADMINISTRATION

**110.R2.1.1 Title:** As authorized by M.G.L. c. 143, §§ 93 through 100, and in accordance with **780 CMR 123.0** establishing the Construction Materials Safety Board, 780 CMR 110.R2 is adopted for Concrete Testing Personnel.

**110.R2.1.2 Definitions:** Unless otherwise expressly stated in 780 CMR, the following terms, for the purpose of 780 CMR 110.R2, shall have the meaning indicated in 780 CMR 110.R2.1.2.

**BBRS:** State Board of Building Regulations and Standards

**Board:** Construction Materials Safety Board (CMSB)

**Concrete Testing Personnel:** A person issued a Class "A" license by the BBRS authorizing such person to test/inspect concrete.

**Field Concrete Technician:** A person issued a Class "A" license by the BBRS to test concrete in the field.

**Pre-Qualifying Agency:** Construction Materials Safety Board (CMSB)

**Testing Agency:** Massachusetts Construction Industry Board (MCIB)

**110.R2.1.3 Licensing:** All Concrete Personnel engaged in the testing/inspection of concrete for use in buildings and structures subject to control according to the provisions of **780 CMR 116.0** shall be licensed by the BBRS in accordance with 780 CMR 110.R2.

**110.R2.1.4 Application for Licensing:** Each person desiring to obtain such license shall make application to the BBRS upon such form and in such manner as the BBRS shall prescribe and shall furnish evidence satisfactory to the BBRS that he is qualified to be licensed in accordance with 780 CMR 110.R2.

**110.R2.1.5 Pre-qualifying Agency:** The BBRS hereby designates the Construction Materials Safety Board as its Pre-Qualifying Agency, provided however, that the BBRS may revoke such designation at any time and may designate any other agency or agencies which it deems qualified, from

time to time, to act as its Pre-Qualifying Agency. The Pre-Qualification Agency shall examine, or cause to be examined, the examination results and evaluation performed by the Testing Agency on each Concrete Testing Personnel Application and make its recommendation to the BBRS regarding such license.

**110.R2.1.6 Testing Agency:** The BBRS hereby designates the Massachusetts Construction Industry Board (MCIB) as the agency to examine and evaluate all persons desiring to be licensed in the practice of concrete testing, provided, however, that the BBRS may revoke such designation at any time, and may designate any other agency or agencies which it deems qualified, from time to time, to act as its Testing Agency. The Testing Agency shall submit all examination results and evaluation on each Concrete Testing Application and make its recommendations to the Pre-Qualification Agency regarding such license.

**110.R2.1.7 Examination:** Accompanied by the application, there shall be paid to the Testing Agency an initial examination fee to cover the cost of such testing. The Testing Agency may also assess fees for partial or complete retesting. The Testing Agency is authorized to require the applicant to provide all required test equipment.

**110.R2.1.8 Notification of Examination and Examination Results:** The Testing Agency shall notify the applicant of the time and place for the examination. The BBRS shall be informed by the Testing Agency/Pre-Qualifying Agency of the examination results, evaluation and recommendations. Within 14 days therefrom, the BBRS shall notify the applicant of its decision. If the applicant fails fully or partially, he may request of the Testing Agency a retesting. If the applicant is notified by the BBRS that he has met all the requirements herein established, he shall submit to the said BBRS, the license fee in accordance with 780 CMR 110.R2.1.9, and his 1¼" x 1¼", full face, black and white or color photograph.

**110.R2.1.9 Licensing Fee:** The fee for licensing shall be \$50 in accordance with the fee schedule established by the BBRS. Concrete Testing Personnel employed for that purpose by a municipality or county or the federal government, or the Commonwealth or any department, commission, agency or authority of, or created by, the Commonwealth, shall be exempt from this fee.

**110.R2.1.10 Number and Classification:** Each person so licensed by the BBRS shall be issued a number and classification.

**110.R2.1.11 Renewals:** Licenses shall be valid for one year and the license renewal fee shall be \$50 dollars. Within 30 days before the expiration date of any such license, the Administrator of the BBRS shall forward to each person so licensed an application form for renewal. The said Administrator, upon receipt of the completed form and fee, shall renew the license for a period of two years or notify such applicant of the BBRS's refusal with the reasons thereof. An applicant shall submit a renewal application with fees within one year of the expiration date of the license. Failure to submit a renewal application within this time period shall be cause for examination or re-examination. Upon successful completion of a Class A Technician's examination said applicant is eligible to be licensed upon submittal of an application and fee. Said application and fee shall be submitted within one year of the date of the examination. Failure to acquire a license within this time period shall be cause for examination or re-examination.

## **780 CMR 110.R2.2 PRE-QUALIFICATION REQUIREMENTS FOR PERSONS DESIROUS OF BEING LICENSED FOR CONCRETE TESTING**

**110.R2.2.1 Evaluation:** Field Concrete Technicians, subject to 780 CMR 110.R2, shall be examined and evaluated by the Massachusetts Construction Industry Board to determine the applicant's knowledge and ability to perform the following ASTM Standard Test Procedures:

- a. ASTM C172: Sampling Fresh Concrete
- b. ASTM C143: Test for Slump
- c. ASTM C31: Making and Curing Test Specimens in the Field
- d. ASTM C231: Test for Air Content - Pressure Method
- e. ASTM C173: Test for Air Content - Volumetric Method
- f. ASTM C138: Test for Weight per Cubic Foot (Density)
- g. ASTM C192: Storage and Transportation of Test Cylinders

The applicant's performance of these tests is to be observed and evaluated by two qualified jurors designated by the Testing Agency (MCIB), using detailed data sheets. The said jurors' evaluations are appraised by the Certification Committee of the Testing Agency and reappraised by the Board of Trustees of the said Testing Agency. Three categories of performance are to be used in the final evaluation process as follows:

1. **PASS:** The applicant has satisfactorily completed the examination.
2. **PARTIAL:** The applicant has failed one of the five performance tests and must take a partial re-test.
3. **FAIL:** The applicant has failed two or more of the five performance

tests and must take a complete re-test.

## **780 CMR 110.R2.3 REVOCATION AND SUSPENSION PROCEDURES**

**110.R2.3.1 Revocation and Suspension:** The BBRS on its own initiative or upon the recommendation of the Construction Materials Safety Board or the Massachusetts Construction Industry Board, may suspend or revoke the licenses of any one so engaged in the practice of Concrete Testing found to be in noncompliance with 780 CMR 110.R2, 780 CMR or the standards of good practice. Notice of suspension or revocation of such license shall be in writing with the reasons for suspension or revocation clearly set forth therein, and served in accordance with **780 CMR 118.6**.

**110.R2.3.2 Notice of Conference:** Prior to suspension, revocation or refusal to renew such license, written notice of such intent shall be served by the Pre-Qualifying Agency or BBRS in accordance with **780 CMR 118.6**. Within ten calendar days of receipt of such notice, the affected licensee may request a hearing before a three member panel designated by the chairman of the said agency, who will hear facts and make recommendations to the Pre-Qualifying Agency.

**110.R2.3.3 Effect of Suspension or Revocation of License:** Upon suspension or revocation of the license, the licensee shall immediately cease engaging in the testing of concrete and concrete materials for use in buildings and structures which are subject to the provision of 780 CMR and no action brought before the State Building Code Appeals Board as specified in 780 CMR 110.R2.4.1 or in any court of competent jurisdiction shall stay the said suspension or revocation unless said Appeals Board or court shall issue an order for a stay of the BBRS's suspension or revocation.

## **780 CMR 110.R2.4 APPEALS**

**110.R2.4.1 Massachusetts State Building Code Appeals Board** Any one engaged in the practice of Concrete Testing aggrieved by the suspension or revocation of their license or by an interpretation, order, requirement, direction or failure to act under 780 CMR 110.R2 may appeal to the State Building Code Appeals Board as provided in **780 CMR 122.0**; however, entry of an appeal from the BBRS's order of revocation or suspension shall not stay such revocation or suspension unless so ordered by the said Appeals Board in a preliminary hearing conducted expressly for the purpose of a stay in accordance with that part of **780 CMR 122.3.2** dealing with the procedure required for a hearing on such stay.

